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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,195

12/31/2003

Jason Brown

ATT-190

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MOAZZAM & ASSOCIATES, LLC  
MATTERS FOR AT&T MOBILITY II LLC  
7601 LEWINSVILLE ROAD  
SUITE 304  
MCLEAN, VA 22102

EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

10/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,195	<b>Applicant(s)</b> BROWN, JASON	
	<b>Examiner</b> SAM BHATTACHARYA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fascenda (US 2004/0068653) in view of Hurst et al. (US 2003/0224823).

Regarding claims 1 and 10, Fascenda discloses a multiple subscription subscriber identity module (SIM) card 232 for use with portable devices, the card including a subscription identity module (SIM) coupled to the card, the SIM including a plurality of sets of subscription parameters, wherein a single set of subscription parameters is selected from among the plurality of sets of subscription parameters and wherein the selected set of subscription parameters is activated. See FIG. 2, paragraph 75, lines 1-19 and paragraph 76, lines 1-27.

Fascenda fails to disclose that the SIM includes a software interface for allowing a user to select which one of the plurality of sets of subscription parameters to activate.

However, in an analogous art, Hurst discloses a SIM module that includes a software interface for allowing a user to select which one of the plurality of sets of subscription parameters to activate. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the SIM card in Fascenda by incorporating these

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features taught by Hurst for the purpose of adapting the module based on the subscription requirements at a particular time.

Regarding claims 2 and 12, Fascenda discloses that at least one set of subscription parameters corresponds to one of a plurality of different operating markets of use for the SIM card. See paragraph 76, lines 1-7.

Regarding claims 3 and 13, Fascenda discloses that the SIM has a default set of subscription parameters from among the plurality of sets of subscription parameters, wherein the default set of subscription parameters is selected unless a set of subscription parameters different from the default set of subscription parameters is selected. See paragraph 45, lines 1-17.

Regarding claims 5 and 16, Fascenda discloses that the software interface is activated upon powering up the SIM card, unless one set of the plurality of subscription parameters has been selected/activated. See paragraph 45, lines 1-17.

Regarding claim 6, Fascenda discloses that the software interface further includes a menu-based software interface. See paragraph 48, lines 1-5 and paragraph 49, lines 1-10.

Regarding claims 7 and 17, Fascenda discloses that during activation of the card, the set of subscription parameters is automatically selected based on the market in which the SIM card is activated. See paragraph 53, lines 1-17.

Regarding claim 8, Fascenda discloses that at least one set of the plurality of sets of subscription parameters includes an Integrated Circuit Card Identifier (ICCID). See paragraph 36, lines 1-7.

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Regarding claim 9, Fascenda discloses that at least one set of the plurality of sets of subscription parameters includes an International Mobile Subscriber Identity (IMSI). See paragraph 34, lines 1-11.

Regarding claim 11, Fascenda discloses updating the SIM module with the selected set of subscription parameters. See paragraph 76, lines 1-27.

Regarding claim 15, Fascenda discloses that the selecting step further includes instructing the software interface to select one set of subscription parameters from among the plurality of subscription parameters and instructing the software interface to update the SIM module with the selected set of subscription parameters. See paragraph 76, lines 1-27.

Regarding claim 18, Fascenda discloses that the selecting step further includes the steps of deactivating the selected set of subscription parameters, selecting a different set of subscription parameters, and updating the SIM module with the newly selected set of subscription parameters. See paragraph 53, lines 1-17.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb

/Sam Bhattacharya/

Primary Examiner, Art Unit 2617